

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

**PivotHealth Holdings, LLC,
Plaintiff,**

V

**Lucas Horton
Defendant.**

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Case No: CV-24-01786-PHX-MTL

DECLARATION OF LUCAS HORTON

I, Lucas Horton, declare under penalty of perjury that the following statement is true and correct.

1. Sometime after I filed a motion to dismiss and a motion for a Yahoo, Inc subpoena to be signed by the judge, Mr. Fitzgerald contacted me about his own subpoena to Yahoo, Inc. We squabbled over the dates a little, but then I agreed to it, thinking he would file a motion to get permission to serve it after my motion to dismiss was ruled on.
2. When Yahoo received the subpoena, they sent an email notifying me about it. I immediately objected to them responding because it was premature, but was ignored.
3. On Dec 9th, 2024, Yahoo sent Mr. Fitzgerald a letter via email saying that Yahoo was in receipt of the unauthorized subpoena dated November 18th, 2024 and that they were including the requested in for in the response. This is how I know that Mr. Fitzgerald served an unauthorized subpoena on Yahoo, Inc. See Exhibit A.

I declare under penalty of perjury under the laws of the State of Texas and the United States of America that the foregoing is true and correct.

Executed on August 5, 2025, in Dallas, Texas.



Lucas Horton
lukeduke365@yahoo.co
m 1202 Stratford Dr
Richardson, TX 75080
Tel: (214) 909-3341
Plaintiff

Exhibit A



December 9, 2024

Via Email

pfitzgerald@wtlaw.com

Patrick J. Fitzgerald, Esq.
Watstein Terepka LLP
1055 Howell Mill Rd, 8th FL
Atlanta, GA 30318

Re: Request for Information Pertaining to User Account: lukeduke365@yahoo.com
Pivothealth Holdings, LLC, v. Lucas Horton, Case No. 2:24-cv-01786-MT
(Internal Reference No. 591226)

Dear Mr. Fitzgerald:

Yahoo Inc. ("Yahoo") is in receipt of a subpoena dated November 18, 2024, in the above-referenced matter.

Based upon its interpretation of the subpoena and considerable experience with requests for user data, Yahoo took the subpoena to require and be satisfied by the production of the following enclosed information regarding the specified user account, for the time period specified, to the extent available from our system: (1) subscriber details; and (2) email headers for the account. A declaration authenticating these records also is enclosed.

To the extent any document provided herein contained information that exceeded the scope of your request, is protected from disclosure, or is otherwise not subject to production, we have redacted or otherwise removed such information. When reviewing the information provided, please note that Yahoo may not require or verify user information because it offers many of its services to users for free.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucy Arnaud", is placed above the typed name.

Lucy Arnaud, Sr. Legal Analyst
Yahoo Inc.
Legal Department

Enclosure